

**EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
JANUARY 11, 2007**

BUREAU OF LAND AND WASTE MANAGEMENT

Solid Waste Enforcement

- 1) Order Type and Number: Consent Order 06-14-SW
 Order Date: November 6, 2006
 Respondent: **LCR Construction, Inc./**
 Shorts Landing Road Site

 Facility: N/A
 Location/Mailing Address: Shorts Landing Road, Lady's Island,
 SC/58 Chesapeake Bay Road,
 Burton, SC 29127

 County: Beaufort
 Previous Orders: None
 Permit/ID Number: N/A
 Violations Cited: South Carolina Solid Waste Policy
 and Management Act of 1991 (2002) and the Construction, Demolition
 and Land-Clearing Debris Landfills Regulation, 25A S.C. Code Ann. Reg.
 61-107.11, Part IV, (B)(1) (Supp.2004).

Summary: LCR Construction, Inc. (Respondent) operated an unpermitted construction, demolition and land-clearing debris landfill located off of Shorts Landing Road on Lady's Island, South Carolina.

Action: The Consent Order requires the Respondent to properly close the site by covering with two feet of soil, grading and seeding, making a disposal notation on the deed, and requires the payment of a civil penalty in the amount of three thousand five hundred dollar (**\$3,500.00**).

- 2) Order Type and Number: Consent Order 06-15-SW
 Order Date: November 6, 2006
 Respondent: **LCR Construction, Inc./**
 Joe Frasier Road Site

 Facility: N/A
 Location/Mailing Address: Joe Frasier Road, Burton, SC/58
 Chesapeake Bay Road,
 Burton, SC 29127

 County: Beaufort
 Previous Orders: None
 Permit/ID Number: N/A

Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002) and the Construction, Demolition and Land-Clearing Debris Landfills Regulation, 25A S.C. Code Ann. Reg. 61-107.11, Part IV, (B)(1) (Supp.2004).

Summary: LCR Construction, Inc. (Respondent) operated an unpermitted construction, demolition and land-clearing debris landfill located off of Joe Frasier Road adjacent to Burton Wells County Park near Burton, South Carolina.

Action: The Consent Order requires the Respondent to remove the debris for proper disposal and pay a civil penalty in the amount of three thousand five hundred dollars (**\$3,500.00**).

3) Order Type and Number: Consent Order 06-16-SW
Order Date: November 6, 2006
Respondent: **Ellion Brett Goff, d.b.a. Brett Goff Clearing & Grading**
Facility: N/A
Location/Mailing Address: 170 Crossroads Road, Newberry County, SC/3233 Emanuel Church Road, Lexington, SC 29073
County: Newberry
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991 (2002) and the Construction, Demolition and Land-Clearing Debris Landfills Regulation, 25A S.C. Code Ann. Reg. 61-107.11, Part IV, (A)(8) (Supp.2004).

Summary: Ellion Brett Goff, d.b.a. Brett Goff Clearing & Grading (Respondent) open dumped construction, demolition and land-clearing debris at a site located at 170 Crossroads Road in Newberry County, South Carolina.

Action: The Consent Order requires the Respondent to pay a **stipulated** penalty of ten thousand dollars (**10,000.00**), if the Respondent disposes of solid waste unlawfully in the future.

Radiological Waste Enforcement

4) Order Type and Number: Consent Order 06-01-RW
Order Date: November 14, 2006
Respondent: **Westinghouse Electric Company, LLC, Science & Technology Department**

Facility: Westinghouse Electric Company, LLC, Science & Technology Department
Location/Mailing Address: 1332 Beulah Rd
Pittsburgh, PA 15235-5081
County: Pittsburgh, PA
Previous Orders: None
Permit/ID Number: 0409-37-06-Y
Violations Cited: South Carolina Radioactive Waste Transportation and Disposal Act of 1976, Transportation of Radioactive Waste Regulation 61-83, and South Carolina Radioactive Material License #097, Amendment No. 49, Condition 61.

Summary: Westinghouse Electric Company, LLC, Science & Technology Department (Respondent) failed to comply with the requirements of Radioactive Material License #097 regarding the packaging, transportation, and delivery of radioactive materials. Upon offload while performing the required survey of the internal area of the cask, a small piece (hairline thickness) of material about a half inch in length was found. Upon direct survey on contact with the material, an observed exposure rate of 1.089 rem/hour was documented.

Action: The Order requires the Respondent to submit a plan to the Department detailing corrective measures and procedural modifications to address the violations cited, and to pay a civil penalty of one thousand dollars **(\$1,000.00)**. The penalty has been paid.

BUREAU OF WATER

Drinking Water Enforcement

5) Order Type and Number: Consent Order 06-193-DW
Order Date: November 14, 2006
Respondent: **Lowcountry Custom Construction, Inc.**
Facility: Sea Side Inn
Location/Mailing Address: 29 JC Long Blvd, #205
Isle of Palms, S.C. 29451
County: Charleston
Previous Orders: None
Permit/ID Number: 10-1126B
Violations Cited: 24A S.C. Code Ann. Regs. 61-51
(B)(2)

Summary: Lowcountry Custom Construction, Inc. (Respondent) is responsible for the proper construction of the Pool (Permit No. 10-1126B). The Respondent has violated the Public Swimming Pools Regulation as follows: failure to obtain a permit to construct prior to the construction of a public swimming pool.

Action: The Respondent has agreed to: pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

6) Order Type and Number: Consent Order 06-207-DW
 Order Date: November 14, 2006
 Respondent: **A.D. Hare Waterworks, Inc.**
 Facility: A.D. Hare Waterworks
 Location/Mailing Address: P.O. Box 122
 Pinopolis, S.C. 29469

 County: Berkeley
 Previous Orders: None
 Permit/ID Number: 0820006
 Violations Cited: 24A S.C. Code Ann. Regs. 61-58.7

Summary: A.D. Hare Waterworks, Inc. (Respondent) is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain a PWS.

Action: The Respondent has agreed to: comply with all operation and maintenance requirements in accordance with all applicable State and Federal laws and regulations; submit a copy of the contract to sell between the Respondent and Berkley County Water & Sewer Authority (BCW&SA); correct all remaining system deficiencies should the sale to BCW&SA not occur; and pay a **stipulated** penalty of three thousand dollars (**\$3,000.00**) if it should fail to meet any requirement of this Order.

7) Order Type and Number: Consent Order 06-208-DW
 Order Date: November 14, 2006
 Respondent: **Irvin-House Vineyards, LLC**
 Facility: Irvin-House Vineyards
 Location/Mailing Address: 6775 Bears Bluff Road
 Wadamalaw Island, S.C. 29487

 County: Charleston
 Previous Orders: None
 Permit/ID Number: 1079011
 Violations Cited: S.C. Code Ann. Regs. 61-58.1(B)(1),
 61-58.1(K)(1), and 61-58.7

Summary: Irvin-House Vineyards, LLC (Respondent) owns, operates, and maintains public water system (PWS) No. 1079011. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to obtain a construction permit prior to constructing the PWS; failure to obtain final approval to operate prior to placing the PWS into operation; and failure to properly operate and maintain the PWS.

Action: The Respondent has agreed to: submit for approval a corrective action plan (CAP) that addresses all deficiencies; and pay a **stipulated** penalty in the amount of ten thousand eight hundred dollars (**\$10,800.00**) should it fail to comply with any requirement of the Order.

8) Order Type and Number: Consent Order 06-209-DW
Order Date: November 14, 2006
Respondent: **Cadillac Real Estate Holding, LLC**
Facility: Cadillac Court
Location/Mailing Address: 2202 North Ocean Blvd.
Myrtle Beach, S.C. 29577
County: Horry
Previous Orders: None
Permit/ID Number: 26-D59D
Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J)
and 61-51(K)(1)(d)

Summary: Cadillac Real Estate Holding, LLC (Respondent) owns and is responsible for the proper operation and maintenance of the Spa (Permit No. 26-D59D). The Respondent has violated the Public Swimming Pools Regulation as follows: failure to properly operate and maintain the spa.

Action: The Respondent has agreed to: operate and maintain the spa in accordance with all applicable State laws and regulations and pay a civil penalty in the amount of two thousand forty dollars (**\$2,040.00**).

Water Pollution Enforcement

9) Order Type and Number: Consent Order 06-203-W
Order Date: November 6, 2006
Respondent: **Pace Development Group**
Facility: Whitehall Plantation
Location/Mailing Address: 6719-C Fairview Road
Charlotte, N.C. 28210
County: Greenville
Previous Orders: None
Permit/ID Number: 29018-WW

Violations Cited: S.C. Code Ann. § 48-1-110(a)(3) (Supp. 2005), and 24 S.C. Ann. Regs. 61-9.122.41(a)(2) (Supp. 2005)

Summary: Pace Development Group, Inc. (Respondent) owns and is responsible for construction of a gravity sewer main and appurtenances serving the Whitehall Plantation Subdivision (Site) located on Woodruff Road, in Greenville County, South Carolina. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failed to obtain approval prior to placing a wastewater collection system into operation.

Action: The Respondent has agreed to: pay a civil penalty in the amount of one thousand four hundred dollars **(\$1,400.00)**.

- 10) Order Type and Number: Consent Order 06-204-W
Order Date: November 6, 2006
Respondent: **Kershaw County**
Facility: Lugoff WWTF
Location/Mailing Address: 515 Walnut Street
Camden, S.C. 29020
County: Kershaw
Previous Orders: 05-146-W (\$16,600)
Permit/ID Number: SC0039870
Violations Cited: S.C. Code Ann. § 48-1-110(d) (Supp. 2005) and 24 S.C. Ann. Regs. 61-9.122.41(a) (Supp. 2005)

Summary: Kershaw County (Respondent) owns and is responsible for the proper operation and maintenance of the Lugoff wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failed to comply with the permitted discharge limits for biochemical oxygen demand (BOD).

Action: The Respondent has agreed to: within 90 days from the date of receiving the funding for the upgrade, begin construction; complete the project within 18 months after construction begins; and pay a civil penalty in the amount of four thousand nine hundred dollars **(\$4,900.00)**.

- 11) Order Type and Number: Consent Order 06-211-W
Order Date: November 14, 2004
Respondent: **Berkeley County Water and Sanitation Authority**
Facility: Lower Berkeley WWTF
Location/Mailing Address: P.O. Box 1090
Goose Creek, S.C. 29445

County: Berkeley
Previous Orders: 02-090-W (\$9900); 03-142-W (\$4200);
06-002-A (\$7000); 04-015-SW
(\$15000)
Permit/ID Number: SC0046060
Violations Cited: S.C. Code Ann. § 48-1-110(d) and
24 S.C. Code Ann. Regs. 61-9.122.41(a)(1) (Supp.2005)

Summary: The Berkeley County Water and Sanitation Authority (Respondent) is responsible for the proper operation and maintenance of the Lower Berkeley wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and associated regulations as follows: exceeded the permitted discharge limits for fecal coliform bacteria.

Action: The Respondent has agreed to: submit 3 copies of a corrective action plan (CAP) addressing compliance with fecal limits; submit an implementation schedule, that, upon approval by the Department, will become an enforceable part of this Order; and pay a civil penalty in the amount of twelve thousand eight hundred dollars (\$12,800.00).

12) Order Type and Number: Consent Order 06-217-W
Order Date: November 21, 2006
Respondent: **Edgefield County Water & Sewer Authority**
Facility: Brooks Street Plant
Location/Mailing Address: P.O. Box 416
Edgefield, S.C. 29824
County: Edgefield
Previous Orders: 03-218-DW (\$0); 02-238-W (\$0),
06-001-W (\$21600)
Permit/ID Number: SC0025330
Violations Cited: S.C. Code Ann. § 48-1-110(d) and
24 S.C. Code Ann. Regs. 61-9.122.41(a)(1) (Supp.2005)

Summary: Edgefield County Water & Sewer Authority (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act as follows: exceeded the permitted discharge limits for total copper (TC).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a corrective action plan (CAP); and pay a civil penalty in the amount of six thousand eight hundred dollars (\$6,800.00).

13) Order Type and Number: Consent Order 06-218-W
Order Date: November 21, 2006

<u>Respondent:</u>	Chester Sewer District
<u>Facility:</u>	Rocky Creek WWTF
<u>Location/Mailing Address:</u>	P.O. Box 550 Chester, S.C. 29706
<u>County:</u>	Chester
<u>Previous Orders:</u>	02-017-W (\$12,000); 05-183-W (\$6,800); 05-139-W (\$4200)
<u>Permit/ID Number:</u>	SC0036056
<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-110(d) (Supp. 2005) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) (Supp. 2005)

Summary: Chester Sewer District (Respondent) owns and is responsible for proper operation and maintenance of its Rocky Creek wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System (NPDES) Permit for whole effluent toxicity (WET).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a toxicity identification evaluation (TIE) plan; conduct WET testing once per month; re-sample within 21 days of notification of a test failure; submit a toxicity reduction evaluation (TRE) plan; complete the TRE and attain compliance with WET limits within 12 months; submit quarterly progress reports during the TRE process; and pay a civil penalty in the amount of ten thousand two hundred dollars (\$10,200.00).

Joint Orders

14)	<u>Order Type and Number:</u>	Consent Order 06-194-W, DW
	<u>Order Date:</u>	November 14, 2006
	<u>Respondent:</u>	Bell Fuels, Inc.
	<u>Facility:</u>	Island Car Wash
	<u>Location/Mailing Address:</u>	4 Stonewall Circle Hilton Head, S.C. 29928
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	None
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-110(a)(1) (Supp. 2005), 44-55-40(A) (2002), 24 S.C. Code Ann. Regs. 61-9.122.21(a)(3) (Supp 2005), and 25A S.C. Code Ann. Regs. 61-58.1.B(1) (Supp. 2005)

Summary: Bell Fuels, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS) and a

wastewater collection system (WWCS). The Respondent has violated the Pollution Control Act, State Safe Drinking Water Act, State Primary Drinking Water Regulations and Water Pollution Control Permit Regulations as follows: constructed the PWS and the WWCS without the appropriate permits.

Action: The Respondent has agreed to: pay a civil penalty in the amount of five thousand one hundred dollars (**\$5,100.00**). The civil penalty has been paid.

- 15) Order Type and Number: Consent Order 06-201-DW, W
 Order Date: November 21, 2006
 Respondent: **Core Communities of SC, LLC**
 Facility: Tradition Development
 Location/Mailing Address: 3171 Independence Boulevard
 Hardeeville, S.C. 29927

 County: Jasper
 Previous Orders: None
 Permit/ID Number: N/A
 Violations Cited: S.C. Code Ann. 61-67.300 (G)(1),
 61-58.1 (B)(1), and 61-58.1(K)

Summary: Core Communities of South Carolina, LLC (Respondent) owns and is responsible for the construction activities at the Tradition Development property (Site) located in Hardeeville, South Carolina. The Respondent has violated the State Primary Drinking Water Regulations and the Standards for Wastewater Facility Construction as follows: failure to obtain a permit to construct prior to the construction of a public water system (PWS); failure to obtain final approval to operate prior to placing a PWS into operation; and failure to obtain approval prior to initiating wastewater pump and haul operations.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with the permits; comply with all applicable State and Federal Regulations; and pay a civil penalty in the amount of nine thousand eight hundred dollars (**\$9,800.00**). The civil penalty has been paid.

BUREAU OF AIR QUALITY

- 16) Order Type and Number: Consent Order 06-072-A
 Order Date: November 6, 2006
 Respondent: **Porth Contracting Company, Inc.**
 Facility: Porth Contracting Company, Inc.
 Location/Mailing Address: 151 Beacon Light Road
 St. Matthews, S.C. 29710

County: Orangeburg County
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.2, *Prohibition of Open Burning*.

Summary: Porth Contracting Company, Inc. (Respondent), based out of St. Matthews, South Carolina, is a commercial grading contractor. The Respondent violated South Carolina Air Pollution Control Regulations as follows: burned land-clearing debris on May 17, 2006, within 1,000 feet of a public roadway.

Action: The Respondent has agreed to immediately cease open burning except in accordance with South Carolina Air Pollution Control Open Burning Regulations, and pay a civil penalty in the amount of two thousand dollars (\$2,000.00).

17) Order Type and Number: Consent Order 06-074-A
Order Date: November 21, 2006
Respondent: **Henry Company - Monsey Division**
Facility: Henry Company - Monsey Division
Location/Mailing Address: 2651 Commerce Dr.
Rock Hill, S.C. 29730
County: York
Previous Orders: None
Permit/ID Number: 2440-0018
Violations Cited: S. C. Code Ann. § 48-1-110(d), and South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements.

Summary: Henry Company - Monsey Division (Respondent), manufactures roof, pavement, and emulsion coatings. The Respondent violated State regulations and Statutes as follows: failed to maintain records of fuel oil certification; failed to install, maintain and operate liquid and gas flow meters on its scrubber; failed to record daily pressure drop readings for the scrubber; and failed to obtain Department-issued permits or exemptions prior to installing and operating a cartridge machine, a second scrubber, additional tanks, and replacing a burner in its boiler.

Action: The Respondent has agreed to: submit written documentation that a liquid flow meter has been installed on the scrubber; maintain records of fuel oil certification; install, operate, and maintain all required flow meters on the scrubber; record daily pressure drop readings for the scrubber; apply for and obtain the required Department-issued permits or exemptions prior to installing,

operating, or altering sources of air contaminants; and pay a civil penalty in the amount of six thousand dollars **(\$6,000.00)**.

- 18) Order Type and Number: Consent Order 06-075-A
 Order Date: November 21, 2006
 Respondent: **Filtrair, Inc.**
 Facility: Filtrair, Inc.
 Location/Mailing Address: 600 Railroad Ave.
 York, S.C. 29745
 County: York
 Previous Orders: None
 Permit/ID Number: 2440-0144
 Violations Cited: S. C. Code Ann. § 48-1-110(d)

Summary: Filtrair, Inc. (Respondent), manufactures non-woven industrial air filter media. The Respondent violated State Statute as follows: failed to maintain records of all maintenance and operational events for two filter media production lines, an oven, two melt-blown units, and a pyrolysis furnace (ID 05); failed to calculate volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions on a monthly basis as 12-month rolling sums; failed to record daily temperature readings for ID 05; and failed to perform weekly maintenance checks for proper temperature indicator operation of ID 05.

Action: The Respondent has agreed to: maintain records of all required maintenance and operational events; calculate VOC and HAP emissions on a monthly basis as 12-month rolling sums; record temperature readings of ID 05; perform maintenance checks for proper temperature indicator operation of ID 05; and pay a civil penalty in the amount of four thousand dollars **(\$4,000.00)**.

- 19) Order Type and Number: Consent Order 06-076-A
 Order Date: November 21, 2006
 Respondent: **Carben Asphalt, Inc.**
 Facility: Carben Asphalt, Inc.
 Location/Mailing Address: 500A Frontage Rd.
 Gaston, S.C. 29053
 County: Calhoun County
 Previous Orders: None
 Permit/ID Number: 9900-0447
 Violations Cited: U.S. EPA Regulations at 40 CFR
 60.8(a) and 60.90, South Carolina Air Pollution Control Regulation 61-
 62.60 – Subpart A and Subpart I, and S.C. Code Ann. § 48-1-110(d).

Summary: Carben Asphalt, Inc. (Respondent), located in Gaston, South Carolina, operates an asphalt plant. The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to conduct a source test on the

asphalt dryer for particulate matter (“PM”) emissions no later than 180 days after initial startup; failure to maintain and submit quarterly reports of asphalt production; failure to document daily visual inspections of equipment, loading and unloading areas, mixing areas, and any air pollution control equipment; failure to establish operational ranges for each baghouse and maintain records of daily pressure drop readings and weekly operation and maintenance checks; and failure to maintain records of the sulfur content of the fuel oil used in the asphalt plant.

Action: The Respondent has agreed to maintain and submit quarterly reports of asphalt production document and maintain all records required by its permits, and pay a civil penalty in the amount of seven thousand dollars **(\$7,000.00)**. The penalty has been paid.